May 29, 2008

The Honorable Scott J. Bloch
Special Counsel
U.S. Office of Special Counsel
1730 M Street, NW, Suite 218
Washington, D.C. 20036-4505

Dear Mr. Bloch:

Once again I would like to start by saying how much I appreciate the efforts of everyone in your agency involved in this lengthy process. Following is my response to the Department of Transportation Office of Inspector General's investigation and the accompanying correspondence from the DOT.

I begin by quoting a section of my response from the previous investigation dated April 18, 2005:

"...The intentional cover-up of known operational errors is a much more serious threat to the integrity of the air traffic control system and safety of the flying public than some perceived flaw in the application of any prescribed investigative process. The rules that the FAA has in place now for investigating operational errors are sufficient if the person doing the investigation is determined to find the truth. If you employ and promote people with no integrity and give them no reason to have to follow the rules, they you get what you have at DFW TRACON. If you come in and investigate and find out that the rules that are in place are not being followed and you recommend that further rules be put in place but you don't change the culture or the personnel then you can't expect much to come out of your investigation....If anyone at DFW TRACON has received a reprimand, they are hardly conscious of it. The radar room culture remains the same."

I have not changed my feelings and opinions expressed above. This investigation substantiated my new allegations but once again it is my belief that the FAA's response falls far short of what one would expect when known offenders have compromised innocent passenger's safety. The report itself states: "...our investigation reflects the TRACON management's willingness to manipulate evidence and render unreasonable determinations favorable to controllers, but detrimental to aviation safety." It is time for the offenders to be reprimanded according to the FAA's own table of penalties (*Attachment 1)* and the message sent would serve to enhance safety faster and more effectively than any change in policy or procedure.

If nothing else this report serves to convince me that this is a nationwide problem. There could not have been lack of oversight to the extent shown in these findings without complicity somewhere above, thus indicating a nationwide problem. How could the FAA promise unannounced audits after the last investigation and then not follow through? To read that the FAA allowed DFW TRACON to self-evaluate is unbelievable. It shows a total disregard for safety and a lack of respect for the findings from the first report. That

attitude and lack of respect continues to this day. None of this would be as disconcerting if one could or would make the assumption things will be different this time, but they won't be. As an example, once again the quality assurance manager was removed, but he was only serving in that capacity temporarily and the quality assurance manager in place during the report time period just transferred to a different position at DFW TRACON, a lateral move. This is identical to the scenario that took place after the last report. After the temporary quality assurance manager's removal was effective he attended a school in Oklahoma City (just last week) for quality assurance training so that he could train the new manager assigned to the DFW quality assurance office, who by the way, has no previous quality assurance training himself. No, this is not a joke! Is there no one in the FAA better qualified to train the new quality assurance manager than a manager that was removed for not following the rules?

It seems to me if the FAA was as concerned and cared as much as they tell the public they are then a very direct message would be sent to the responsible parties at DFW TRACON. The message would echo everything every air traffic controller first learns about this job. It would include a very direct message about safety and the importance thereof. Instead the message being sent is we need to be careful so we are not caught again. AOV, DOT IG and the OSC are presented as the enemy, not a group to be respected. Recently a new area manager was assigned to the TRACON. His message to everyone at the various team briefings was he was on their side and he would do everything in his power to keep the DOT OIG and OSC out of the building. He told the controllers and supervisors what a fine job they were doing and to keep it up. Please don't misunderstand me, I do agree that many of the controllers and some of the supervisors at DFW TRACON do an outstanding job, but you cannot deliver this type of speech to an audience that consists of some that are cavalier about safety. Wouldn't it be nice if he instead walked in and said something stern to make everyone understand that the rules are in place for a reason? The bad apples don't need any more support for their antics and the conscientious ones will know that they have nothing to worry about. The problem once again is the sick culture and no one has taken effective action to correct it. There is a large contingent locally that likes things just the way they are and refuse to budge, even if safety is compromised. I attended a mandatory meeting held to dispel rumors about the findings of this report. It would have been very refreshing to walk in and hear everyone being told what the public was told during the FAA's recent press conference. Something along the lines of we won't stand for this. Instead the message was sugarcoated and ineffective. It was more of a pep rally to let the management and staff know everyone was still fighting for him or her and still in their corner. There was plenty mentioned as to how the rules were changing and the response from most of the group was frustration that because the rules were changing it was making their jobs real tough. (The rules haven't changed, someone has simply identified that quite a large group of those in attendance were not following the rules that have been in place for years.) Is this the message the FAA really wants a room full of prior offenders to hear? Doesn't the FAA understand that someone needs to come to DFW and hold all of the offenders accountable to a level that it will keep this unsafe culture and environment from breeding further? In fairness to the newly assigned manager she did make some statements that were stronger than I have heard in the past but they were immediately

disregarded or rebuffed. She cannot tackle this alone, she will need plenty of support from her superiors and unless they admit and/or believe there is a problem all is a lost.

Robert Sturgell, the acting FAA administrator declared: "We're not going to stand for this". "It's an issue of integrity for me." With all due respect, I hope his resolve is as strong as it needs to be, as it is my belief there are many people complicit in this and solving it all will take quite some effort. When I hear Secretary Mary E. Peters state there is no room in this agency for anyone that compromises safety, I question how they have made room for so many of them here at DFW. Hank Krakowski, Chief Operating Officer, FAA said: "today it's clear to us those commitments were not taken seriously by people in my organization who were responsible." I would like for Mr. Krakowski to know that they are not taking things seriously this time either. These aren't statements I make for any reason other than out of concern. Someone needs to manage safety in this whole issue and forget about managing image; if you do one the other will take care of itself.

When I reported wrongdoing to the FAA Administrator back in 1998 I was deemed by my supervisor and by her supervisor to be medically unfit for duty. They did not have the right or the qualifications to make such an assessment; they simply used this as a means to retaliate against me for reporting wrongdoing. They lied to me and they lied to everyone else and said that the flight surgeon had medically disqualified me. I was kept out of work for weeks before any action was taken to correct their lies. Twice I have been forced out of my job and have spent weeks of my own vacation time while fighting the whole time to return to work. As far as I know no one identified in either of these investigations has received any type of suspension. Perhaps if they were given time to reflect it would change their behavior for the better. These two individuals were never reprimanded; their conduct was never questioned. In fact, this same supervisor was involved in operational error cover-ups reported and substantiated in the OIG report in 2005 but was not reprimanded. She has not changed the way she conducts business and was recently selected to be the performance management supervisor. One of her jobs is to assist the quality assurance office in determining operational errors and reviewing each error that occurs. She couldn't follow the rules herself and now she makes determinations on how the rules should be applied. Once again, if the FAA is truly concerned about correcting the problems at DFW how could she be holding that position? As for her former boss he has moved on to bigger and better things. He has been selected for various positions all over the country representing the FAA on different projects and working in several different capacities. He was the ringleader in fostering the current culture. I don't guess his role in any of this will ever be questioned.

As my concern over the years did not wane I continued to report wrongdoing and have suffered much more than any of those responsible for the wrongdoing. Perhaps they should at least receive the same punishment I received. Perhaps they should be locked in an office and forced out of a job that they loved dearly. When one reads in the newspaper that the FAA removed two managers for wrongdoing, one should also understand that these two were not removed they were moved. Should one believe the FAA spokesperson that made the statement that the managers were removed or the FAA

spokesperson that made the statement, when they were moved in January, that two of the top air-traffic managers in North Texas are going to oversee national aviation programs for the FAA? See the attached article from the Dallas Star Telegram that ran in the newspaper in January when they were "removed" (*Attachment 2*). The headline reads "2 in area to lead national aviation programs". Mr. Robert Sturgell writes in his letter to the DOT Secretary that the TRACON Manager and Assistant Manager were removed from the facility on January 22, 2008. Wouldn't it be more informative to the Secretary to describe what their current positions and responsibilities are? What consequence did they suffer as a result of their malfeasance, negligence, or incompetence?

I have been under scrutiny for everything that I do, I have been physically and verbally harassed and threatened, I have been completely ostracized and I was even investigated for time and attendance fraud while trying to cooperate with this investigation (*Attachment 3)*, but I persevered because I was and still am concerned. I could list many more of the penalties I suffered because of my disclosures, but this is not personal. I do however think my response should be reflective of the overall picture. I do not think the FAA will ever hold people accountable to the extent that it fixes the problem, but I pray they do. After the last investigation the FAA deceived everyone involved as to the reprimands people received. When the IG investigates and finds wrongdoing the FAA finds a way to gracefully respond and doesn't follow through to ensure the problem is fixed. No follow-up takes place as I have always been available to help in any way possible but am never consulted. I am not the enemy and I would love to be able to count on someone within the FAA listen to me without having to go outside the agency. I obviously have knowledge that most others outside of this facility do not have, but I am not consulted. I don't think it serves quite the same purpose to investigate and gather documentation from me and then not follow up as it would if you followed up by seeking proper solutions to the issues at hand. Anytime someone has to be forced to take action to correct a problem, the result is precisely what is exemplified here. The FAA was forced to admit wrongdoing. They've had the opportunity to correct this for many years and even now their level of concern is far below what the public deserves. Mr. Sturgell lists specific actions that have or will be taken but some of the offenders are still in place making the same types of unreasonable determinations that continue to compromise safety. Why are they still in place? Do they need to be found guilty a third time? During the mandatory meeting I mentioned earlier there was a discussion as to whether certain managers were going to be moved to non-safety related positions. The response was the two managers in question were an integral part of this facility until told otherwise. There was great support for these two managers from all of the TRACON supervisors in attendance. Not a single supervisor understood or cared that there had been a second report confirming their lack of regard for the rules.

In the OIG investigation report Calvin L. Scovel III, Inspector General, states that operational errors/deviations are important indicators of air traffic safety, it is critical that management thoroughly investigate and accurately report them, and take appropriate action, including retraining or removing controllers, to address their causes and prevent recurrence. I wholeheartedly agree and therefore it is critical that those controllers, whose operational errors were covered up, be retroactively charged with these errors so

that the above may be accomplished. The IG team found errors were not properly reported and the FAA left it at that. The incidents were not reviewed for safety concerns, the controllers were not charged with the errors; no retraining took place, etc. Another precious opportunity to enhance safety is missed. One might wonder why it is important to charge the controllers with these errors. Once again I would like to remind everyone that the culture is what needs to be fixed. Several controllers that had these errors are part of the group that feels as if they are above the law. As it stands now they have no operational errors on their record. Their attitude towards separation of aircraft is very cavalier. I have attached an example of this unacceptable performance reflected in a QAR (*Attachment 4*). This event took place after everyone had been reprimanded following the first IG investigation of 2005. More proof that the message was never received by the guilty parties. As reflected in the QAR these two controllers sit and watch as two aircraft merge, they do nothing about it. They perform this exact way today; they will not change their behavior until the tone at the top changes. They are air traffic monitors, not controllers. They assign an aircraft an altitude and figure their job is done, they don't ensure separation, and they just sit back and watch it from there. This attitude is further enhanced when they see two investigations take place, no one is properly reprimanded and no one is charged with any errors. These controllers have been allowed to behave and perform this way for many years and epitomize what it is you would not want in an employee in a safety related position, yet they are now training the large contingent of newly hired air traffic controllers. Not much to look forward to. Each operational error listed in the OIG report should be processed and reviewed so that every person involved, managers and controllers, understands what is expected of them. Those controllers and supervisors that come to work and actually follow the rules are under more scrutiny, receive retraining and are in more danger of losing their positions than those that have been involved in the cover-ups. Out of reprisal (for cooperating in these investigations), a friend of mine was charged with two operational errors when he vectored an aircraft back to the airport in an emergency situation. The pilot reported that his engine was vibrating so badly that he was in fear of literally losing his engine and needed to return to the airport immediately. The controller vectored the aircraft back to the airport as quickly as possible. In the process he had to move several aircraft around to fit the emergency aircraft in. He reported to the supervisor that he may have lost separation with a couple of other aircraft and was subsequently charged with two operational errors. Safety was never compromised and it was a very controlled situation. More important to the managers making the decision to take reprisal against him was to charge him with two operational errors as opposed to applying allowable standards for reporting this as an air traffic incident. DFW TRACON has had numerous incidents that they have written off as emergency situations so as not to report them as operational errors, one more way to skew the numbers. This example serves to show more about the culture and once again the rules were not followed and/or they were manipulated. One of the examples I provided was not detailed in the report but the potential for disaster was great. The same controller was involved in another example I provided and I believe he was involved in a third error listed in the report; the report is not detailed enough for me to verify this. He is working every day with no operational error on his record. No retraining was ever required. His performance has never been addressed and his attitude will not change. He is a prime example of what is wrong with the culture, the lack of

respect for the system, the lack of respect for the investigation and what potential disaster ignoring its findings may spell out.

Mr. Scovel states that they were unable to ascribe a specific motive to TRACON management for misclassifying errors. Ask anyone in air traffic control if operational errors are not viewed as an indicator of greater problems. Air traffic controllers can and have been removed from the agency for having too many operational errors. Managers have been replaced if too many operational errors occur on their team or at their facility. The manager at DFW was allowed to stay after the last investigation because those above her said they wanted to give her a chance to fix things. The assistant manager was brought in, after the last investigation, to help out. Certainly the last thing these two could afford would be to have a large amount of operational errors reported. Another motive might be the fact that when a loss of separation can be blamed on the pilot and reported as a pilot deviation, the pilot receives all the scrutiny, not the facility. An assumption is made that DFW is operating efficiently and without cause for concern. The controller's performance is not addressed, the policies and procedures are not reviewed, and the management's performance is not addressed. The FAA's mission is to provide the safest, most efficient aerospace system in the world. If we can always blame someone else, we will never have to justify falling short of our primary mission. The motive for disregarding FAA procedures should not matter as much as the simple fact that it has happened consistently for years at DFW TRACON and no one has found a viable solution for addressing the problem. More important than the motive is the lack of effort in holding the responsible individuals accountable. Their disregard for safety should be punished accordingly. The question as to whether they were negligent or incompetent should be obvious. These are managers that have been in the FAA for many years, they knew what they were doing. If they didn't why did pilot deviation numbers only skyrocket after the first report? For many years the average number of pilot deviations at DFW TRACON per year was around 10. After the first investigation was completed the number of pilot deviations in 2006 was over 150 and in 2007 the number was above 200. A percentage of these deviations were due to new procedures at DFW (RNAV) but that number would account for a maximum of 25% of pilot deviations in 2006 and 10% in 2007. The real story is these managers came up with a devious system to hide operational errors and some of the managers still in place will and have found other ways to disguise operational errors. This was DFW's way of hiding errors, I wonder if other facilities have found other ways? I am convinced that new practices will develop. Once again the need for holding people accountable is glaring.

In this investigation, as in the last, a lack of proper oversight within the FAA was found. This is a great indicator that the FAA either doesn't care or doesn't believe there is a problem. There were many indicators that something was amiss. The number of pilot deviations should have been a glaring indicator. I spoke with numerous people and advised them that nothing had changed. I did contact the DOT OIG after the first investigation to make them aware of my continued concerns. What followed was additional reprisal taken against me in the form of intimidation in an attempt to silence me (*Attachment 5*). Some oversight should come from the quality assurance manager's position and perhaps the DOT believes there is hope that changing the line of supervision

for QA managers will eliminate the conflict of interest problem. Once again, it is my belief that if the right person is placed in the position and the rules are followed there is no need for change. Since 2003 there have been at least seven different quality assurance managers at DFW. Each time they are replaced they move to a comparable position or, as is the case in one situation, they work out of their lake house waiting to retire. Perhaps the QA manager is not really the problem, but I do believe the right QA manager could be part of the solution. The FAA's level of concern for the reported problems that exist at DFW is exemplified by placing the current temporary QA manager in the position that has no quality assurance experience or training. Surely there is someone, somewhere in the FAA with quality assurance training that could fill this vacancy. It is my belief that unfortunately those with the power to do so are not truly interested in making the right moves. Almost everyone that comes to DFW TRACON has been or is a friend of a friend of someone locally. This bond needs to be broken. Perhaps someone at a higher level than the regional office locally should be making some decisions about selections for DFW TRACON. Perhaps that is part of the problem. More importantly than changing the line of supervision for QA managers would be to give the QA manager latitude to report things accurately and without bias and no pressure should be exerted from any source to skew the numbers.

The recommendations made to the acting administrator include changing DFW management. Replacing those that are guilty of the wrongdoing is proper, but simply replacing the managers at the top doesn't necessarily change the culture. These managers were simply reassigned, perhaps if they were disciplined in accordance with the FAA's own table of penalties the proper message would be sent. As evidenced by the meeting I sat in on with the new management, the message is still not being sent that the culture must change. The underlying tone of that meeting was not a stern warning to follow the rules; instead it was one of reassurance that the IG and OSC could be fended off.

Another recommendation was for more no-notice reviews. They were promised last time, perhaps this time they will follow through. As evidence of the FAA's lack of concern and total disrespect for the last investigation "no-notice" reviews were promised after the last investigation and it did not surprise me to read that ATO-Safety's last no-notice review occurred in June 2005. I knew they were not doing these reviews and I reported it to many individuals, in and outside of the FAA. It is laughable to read that someone decided that the very facility that was under scrutiny could now be trusted to complete a "Facility Self-Assessment". The report states that not surprisingly, TRACON management reported the facility was in 100% compliance. I really don't know what to say! I cannot keep track of exactly who was responsible for the lack of these reviews but have attached some interesting e-mails about apparently the only review that did take place (*Attachment 6*). When I spoke with the VP of Air Traffic Safety he tried to reassure me that I had misunderstood which reviews were to be done by whom and perhaps that I had misunderstood the e-mail that I was reading announcing the no-notice review. I wasn't the only one concerned; another FAA employee warned the VP for Air Traffic Safety that there were significant problems at DFW TRACON (*Attachment 7*).

Also recommended in the report was to expedite TARP. It is my understanding that even in facilities where it is being tested they have the option of not using it and have chosen that option. As far as recommending that DFW be part of a program that absolves controllers of responsibility if they self-report errors I would have to know more about that particular program but my initial instinct is that is exactly the opposite of what I would recommend. The controllers and the managers need to be held accountable not be absolved of responsibility.

In the methodology section of the report it states that 12 incidents were investigated that were identified by the whistleblowers. During the course of their investigation I submitted a lengthier list and cannot tell from the report what came of that list. I don't think this is all that important as the overall message seems to get lost in the numbers. Even one instance of an operational error cover-up, non-report, misclassification, or whatever you want to call it should be an offense that draws such scrutiny and such a penalty that one would never want to commit that act again. Instead we are talking about multiple occurrences with little scrutiny and even less of a penalty than the FAA's own rules call for. The severity of these unreported errors is discussed in the report. Each and every unreported error is a category "A" in the message it sends to the controllers on duty that day: "the rules mean nothing". That message is a greater risk to safety than the distance between any two aircraft. My initial disclosure was a very random sampling and was to serve as an example of the overall wrongdoing. Each instance I reported was an obvious operational error. When addressing this issue as a whole it is important to understand that data is retained for a very short period of time. It is also important to understand that the data cannot be manipulated if it is retained, but the very existence of a serious problem relies upon the initial reporting of an incident and the retention of data. The wrongdoing I reported has been described as a misclassification of errors when in fact there remains a possibility that a far greater problem existed and errors were covered up for which no data was retained. The scope of the OIG's investigation is limited to what evidence the perpetrators have left behind. Hopefully someone will at least consider that possibly many more errors were not reported as anything at all and the evidence is simply gone.

In the section of the report titled Results of Our Prior Investigation mention is made of the fact that the manager said she was unaware of her predecessor's practice of restricting the use of playback tools, I provided proof that she practiced the same thing when she was facility manager the first time around. It also goes on to report that she was fairly new to her position. It fails to mention that she held this same position in years prior, she had simply returned, she was no stranger to the facility. She had been the previous manager's boss. She misrepresented details to be able to plead ignorance when it was convenient. After the first investigation the manager also misrepresented what disciplinary actions were taken against the involved individuals. I mention this as it seems as if the best response to an investigation anyone can give is to put more rules in place. More effective would be to reprimand people properly for violating the rules already in place. When air traffic controllers see two investigations take place and do not see anyone properly reprimanded it sends the wrong message. Also, in part of the report there is mention of the fact that the existence of QARs for two incidents indicates they

were investigated, this is not true. The mere existence of a QAR does not indicate a proper investigation took place. In fact, quite frequently a QAR is typed just so someone will believe an investigation took place. A QAR is simply used to record an event.

In the section of the report titled Results of Our Most Recent Investigation the time frame is misleading as it would indicate that these were the only incidents that were misclassified, when in fact that number is only based on documents and data that was retained. As an example, just recently it was decided that we should change what we include in QARs and some of the incidents that had been included would now be addressed elsewhere. Management is justifying this new practice by saying we are documenting things that are not required (in other words let's do a better job of hiding things). The IG team, with the assistance of AOV, was able to identify some of the errors in this report because of documented events in QARs. Those same types of events will no longer be documented. Once again, if the message that is sent is not strong enough to change the behavior, the behavior will not change.

The report states that between November 1, 2005 and July 13, 2007 63 operational errors were not reported as such, 52 misclassified and 11 other errors simply not reported because the assistant manager had invented his own air traffic rules. During that same time period approximately 80 operational errors were reported. That means for almost every error that DFW TRACON did report another error occurred that was never reported. That means 63 times someone chose to commit an act that could have been grounds for removal from the agency. That means 63 times a controller was not charged with an operational error and perhaps continues to not understand the possible consequences of his/her actions. That means 63 times the opportunity was missed to address possible serious flaws in procedures or the system as a whole.

It is almost impossible for me to believe that no one has been removed from the agency and perhaps punished further when I read in the report that management rendered unreasonable determinations favorable to controllers but detrimental to aviation safety. They also concluded that a culture existed at the TRACON in which management's goal was to avoid citing controllers with operational errors. That culture continues to this day, because some of the same people are still making these same types of decisions. Why are they still there? The report goes on to say that given the obviousness of this data, management likely was – or should have been – aware the incidents were, in fact, operational errors/deviations. Of course they were aware; they are managers at one of the world's busiest airports. They would never have been in their positions had they not known. One has to wonder how in the world they were getting by with it. Where was the oversight? Why is there not better oversight even now? What is being said when the report states that the FAA Central Region Service Center safety assurance investigators told DFW managers that they were misclassifying pilot deviations but they did it anyway and no one was concerned enough to look into this further. This was a facility that had already been found guilty of not following procedures. They had already been found guilty of a seven year practice of covering up errors and yet we are to believe that everyone just walked away and threw their hands up powerless to help, powerless to report this to a higher authority. I am attaching an e-mail from the assistant manager

detailing an event that occurred and his explanation for the findings (*Attachment 8*). This was originally filed as a pilot deviation and as a result of the IG investigation it was determined to be two operational errors. In the e-mail the assistant manager explains that because there was a loss of separation, this pilot deviation had been closely scrutinized by our QA, the Terminal Area Office in Chicago, as well as Headquarters. The IG report says no one above DFW TRACON knew this was going on at DFW TRACON. Someone is not telling the truth! The assistant manager told me when he first got to DFW TRACON that he was a good friend of the ATO VP for Air Traffic, I cannot believe that he would have this type of incident happen and his good friend would know nothing about it. Unless I am mistaken, this is the same VP that was committed to ensuring that operational errors would now be reported properly at DFW TRACON after the first IG report. I started out believing this practice was unique to DFW, this report and its findings leads me now to believe that many more individuals were involved in this. This practice was condoned. There is no way that the FAA could have been blind to this going on. I now understand why no one has been fired; if they are fired they will be forced to tell the truth in self-defense.

After the last investigation it became readily apparent to me now that DFW TRACON had been caught violating the rules they would now report any and all pilots if they made a mistake. The attitude was that if someone was going to point the finger at them they were going to point the finger at someone else. Once again the current culture condones and promotes this type of behavior. My entire career we have been permitted to educate pilots as opposed to violate them. The management locally has taken that latitude away *(Attachment 9)*. I believe we are no longer working to provide a service if we make it our mission to violate instead of educate. It was troublesome to me that because of my earlier disclosures pilots were now being held to a different standard and it was devastating to me that in some instances they were being falsely accused of committing deviations. It may be that no pilots were subjected to an enforcement action as a result of all this, but certainly many pilots were falsely charged with a deviation and the impact of that is an unknown. It is insulting to me that the FAA wants me to believe that no one in the FAA knew that something was going on with the marked increase in pilot deviation reports? We are supposed to work together, air traffic controllers are there to provide a service, not to sit back and hope to be able to violate a pilot if something doesn't work out for separation purposes. I do not want anyone in the FAA to be able to say that they do not know that DFW has their own policy for pilot deviation reporting. We have been ordered to report any and all pilot deviations. As far as I know this is a policy unique to DFW and according to the attached e-mail it was as a result of conversations between the manager, assistant manager & AOV safety. I repeat this is a DFW policy not a nationwide policy.

The report states that they did not find that FAA senior leadership, including the ATO – Terminal Service Vice-President, was aware of DFW TRACON management's misclassification, and thus underreporting, of operational errors/deviations. That seems odd as the ATO Terminal Service Vice-President is the very person that was committed to remedying the deficiencies in operational error investigations and reporting at DFW TRACON that were identified in the first investigation. Perhaps his level of commitment

should have been addressed in the current report. In May of 2005 he is committed to remedying the situation but in no time at all he loses interest. Although no evidence was found to indicate any direction was being given by FAA senior leadership or was part of an FAA-wide policy does not indicate that it was part of any unwritten policy. A good indication of this policy is the level of concern shown after the first investigation and the complete lack of oversight, not to mention the lack of disciplinary measures taken then and now. Another indication is the use of the pilot deviation numbers in the Administrator's Fact Book. Didn't it seem odd to anyone that DFW would now account for such a disproportionate amount of the pilot deviations nationwide?

The report states the ATO-Terminal Services Vice President publicly announced and presented DFW TRACON's Manager with the "Central Region Large TRACON Facility of the Year" award during the August 2007 ATO National Managers' Conference, despite cognizance that the DOT OIG and AOV were investigating allegations that DFW TRACON management had again covered-up operational errors. So the IG found evidence that the ATO leadership knew about the investigation in the cover-ups, but they couldn't find any evidence that the ATO leadership was aware that it was happening. Am I missing something here? If I might steal the IG's words, it seems that the lack of oversight was either intentional, or the only alternative was that it was the result of negligence or incompetence. As to the award itself, by August the current investigation was well underway. I cannot believe the FAA has to be told to reconsider this selection. I cannot believe the FAA didn't act on their own, if for no other reason just to save them the embarrassment this would potentially cause. Once again it shows the culture is rotten, the level of concern is low and there is a total disrespect and disregard for any findings an outside agency makes. They had from August of 2007 until April of 2008 to do this on their own and instead they waited until April 25, 2008 the day after the findings of this report were announced by the FAA and the day this story was running in the newspapers. As an example of the culture at DFW TRACON, I have attached a copy of the memo that the new manager of the facility sent to the Central Service Area Director (*Attachment 10*). The handwritten comments are indicative of the level of concern and respect of the controllers.

In closing I would like to include data reference an incident that occurred on Christmas Day 2007 just north of DFW airport (*Attachment 11*). The individuals involved were all parties to the acts investigated and substantiated in the first IG report, though they were never truly held accountable. In fact the supervisor involved in this incident was promoted to his position after being named by name in the first OSC report. The manager that had promised everyone that he was to be reprimanded subsequently promoted him. American Airlines Flight 1833 (AAL1833) was inbound to DFW to land on the east side of the airport. American Eagle Flight 1788 (EGF1788) was inbound to DFW to land on the west side of the airport. EGF1788 was on a heading that was cutting off AAL1833 but despite that the controller cleared the aircraft for a visual approach to the airport and told the pilot to maintain visual separation from AAL1833. AAL1833 ended up behind EGF1788. This is otherwise known as an improper application of visual separation, you cannot legally do this. As one would expect EGF1788 lost sight of AAL1833 and about 8 miles north of DFW these two aircraft were at the same altitude,

.77 miles apart at a closure rate above 400 miles per hour. The controller had over two minutes to observe and correct this situation. Instead he monitored it and said nothing. As they were about to collide, the controller nonchalantly asks EGF1788 if he still sees AAL1833, even though obviously he does not or he would not be about to collide with the him. The controller then tells EGF1788 not to descend anymore, as the American jet is right below him. During this time period the pilot of AAL1833 is on another frequency and has never been told that the Eagle flight is out there, also a requirement of visual separation so as not to alarm another pilot. The pilot of AAL1833 tells the control tower that there's an aircraft crossing right in front of him and says that's closer than we'd like. The tower controller is caught off guard, as he has no knowledge of the American Eagle flight's existence. The TRACON controller should have told him what was going on. The pilot of AAL1833 goes on to say: "that's not good". When the supervisor in the control tower calls the supervisor at DFW TRACON for an explanation he is told that Eagle flight passed behind American and pretty much if he doesn't like it have the American pilot call and he'll talk to him. The TRACON controller had many miles to recognize the potential conflict; he put the aircraft in a dangerous position and did nothing to correct his mistake until these two aircraft almost collided. Neither pilot knew about the other, the potential for disaster was great. The arrogance and cavalier attitude displayed by the TRACON controller and subsequently by the supervisor are a prime example of what I have disclosed to the OSC and what I really want the FAA to recognize and correct. The illegality that followed is a prime example of what keeps making the headlines. This operational error was not reported the day it happened, a QAR was simply typed and no one followed up on it until 6 days later. It is my understanding that the captain of AAL1833 filed a near mid-air collision report and the TRACON then had no choice but to file the proper report. The area manager that chose to look the other way on this incident was involved in the first investigation; he is one of the former quality assurance managers. He was supposedly reprimanded after the first investigation. Obviously the reprimand was ineffective, as he did not report this incident as an operational error. In fact he also chose not to report it as a pilot deviation as he knew that might draw attention due to the current investigation, so better just to declare it a non-event. Something in this entire process has failed everyone because many passengers could have died that day, but yet the level of concern shown by the controller the supervisor and the area manager was very low. The manager's inaction is very indicative of the culture at DFW TRACON. I do not want a disaster to occur for someone to finally listen, please listen now!

The above incident was at one time submitted for reclassification to a pilot deviation. This practice took place after the last investigation also. After the IG and OSC left town many of the operational errors that had been covered up were later reclassified to either pilot deviations or non-events. An attempt was made to do that this time also. I do not know if any of them have been reclassified as of yet. Once again examples of total disregard and disrespect for the findings of the AOV and IG. Quite simply put, someone in the FAA makes these decisions, so either collectively or individually they cannot be trusted.

I would agree that based upon the gravity of the findings it is imperative that the FAA take decisive, effective action but not to just preclude recurrence of underreported operational errors but because the culture needs to change at the top before a disaster happens.

If the FAA is truly committed to making changes perhaps they should make use of my input, as I am more committed than anyone. I gave up my career in making these disclosures; I have paid a very high price. I have begged the FAA to make me part of the solution, but their interest appears to be limited to how much proof do I still have. The FAA's vision is to improve the safety and efficiency of aviation, while being responsive to our customers and accountable to the public. I hope that if nothing else the FAA will follow through on its commitment to address the issues properly at DFW and follow through in its mission and vision.

Sincerely,

Anne R. Whiteman

Anne R. Whiteman

Attachment 1

FAA HUMAN RESOURCES OPERATING INSTRUCTIONS (HROI)

FAA TABLE OF DISCIPLINARY OFFENSES AND PENALTIES

Nature of Offense	*First Offense*	*Second Offense*	*Third Offense*
59. Failure to report personal injury or accident that occurred while operating a Government-owned, leased or rented vehicle.	Reprimand to 5-day suspension	5-10 day suspension	10-day suspension to removal
60. Violation of traffic regulations while driving a Government vehicle or a vehicle rented or leased for official Government purposes; violation of traffic regulations while operating any vehicle on Government property.	Reprimand to 5-day suspension	5-14 day suspension	14-day suspension to removal
61. Failure to report an operational error or deviation	Reprimand to 10-day suspension	10-30 day suspension	30-day suspension to removal
62. Concealment of an operational error or deviation.	30-day suspension to removal	Removal	
63. Damaging, misadjusting or improperly using equipment used for or related to the control of air traffic.	10-day suspension to removal	30-day suspension to removal	Removal
64. Operation of aircraft by FAA pilots in violation of the FAR or other applicable regulation.	Reprimand to removal	14-day suspension to removal	Removal

Attachment 2

ea, fev

os Angeles County

urged parents not to buy turtle

2 in area to lead national aviation programs

FORT WORTH — Two of the top air-traffic managers in North Texas are going to oversee national aviation programs for the Federal Aviation Administration. JoEllen Casilio, the district manager for the North Texas region, will take over the agency's traffic-analyst review program, said spokesman Roland Herwig. Dan Gutwein, assistant air-traffic manager, will be heading national efforts to strengthen technical training for terminal facilities. Both will work out of the agency's regional offices in Fort Worth. — *Trebor Banstetter*

Sales of single-family homes plunge

WASHINGTON — Sales of existing single-family homes plunged in 2007 by the largest amount in 25 years; median prices fell for the first time in at least four decades. The National Association of Realtors reported Thursday that sales of single-family homes fell by 13 percent last year, the biggest decline since a 17.7 percent drop in 1982. The median price of a single-family home fell to $217,800 in 2007, down 1.8 percent from 2006. — *The Associated Press*

Attachment 3

DECLARATION

Date of Interview: December 20, 2007

Location of Interview: DFW West Tower, Dallas/Fort Worth Airport, Texas

I, ANNE WHITEMAN, make the following voluntary statement to Connie Dowdy, who has advised me that she is conducting an official management inquiry regarding an allegation that a FAA supervisor at the Dallas Fort Worth (DFW) tower committed time and attendance (T&A) fraud by appointing a Controller in Charge (CIC) and asking that the CIC sign her off an hour after she had left the premises. The allegation also states that the FAA has so far failed to investigate this matter of supervisory T&A fraud, probably due to the supervisor's whistleblower status. I am making this statement as part of my official duties without threat or promise and of my own free will. I, ANNE WHITEMAN, have been advised that I am required to provide a truthful statement regarding official duties. I, ANNE WHITEMAN hereby certify under penalty of perjury, in accordance with Title 28, United States Code, Section 1746, that the following is true and correct to the best of my belief.

I have been employed by the FAA for 25 ½ years. I am currently employed as an Operational Supervisor within the Air Traffic Organization located at the Dallas/Fort Worth (DFW) Air Traffic Control Tower. My office telephone number is 972-615-2500, and my home telephone number is 940-455-2366.

In response to the allegation, I have never left the tower except for a valid reason to perform official business, or on approved leave. I am a whistleblower, and I know that all eyes are on me. I am a very conscientious employee, and I spend over 90% of my time in the tower cab, always working through my lunch period. It is not unusual for supervisors to leave the tower to perform administrative duties.

There was an occasion on I believe Sunday, October 28, 2007 where I left the tower prior to the end of my shift to mail a package to an attorney from the DOT Secretary's office. I had requested official time from my supervisor, Paul Donaldson, on October 4, 2007 to respond to a request that had been made for me to provide documentation to the attorney that I met with from the DOT Secretary's office. I explained that I had done 99% of this work on my own time over the past 10 years and will do so in this case also if it becomes necessary, but that time is of the essence and right now I had precious little time of my own to fulfill the request. I explained to him in the e-mail attached hereto that I did have an administrative day the next week, but I needed that day for appraisals. I had a conversation with Paul Donaldson and advised him that I was working on this request and had to mail it to the attorney. He was well aware of what I was doing. This brief trip to the post office was the only administrative time I used to fulfill the request made by the Secretary of Transportation's Office.

Attachment 5-1

On this day in question, I may have come over to the West Tower, as this is where our files are. I did not leave the tower until I knew my relief was on the way. Mr. Eckenrode was my relief that day, but I had already briefed Tracy Rickey to perform CIC duties. I told Wayne Eckenrode that I was going down to the post office. I don't remember exactly what time it was. Seldom do I have someone sign me out, but there are occasions when I have done so. I would never have someone sign me out fraudulently. I would not leave without approval.

I give this declaration voluntarily and without duress. I understand that, in the event disciplinary action is taken as a result of this inquiry, this declaration may be used as supporting documentation for that action. In addition, I understand that this declaration may be released to a person against whom disciplinary action has been proposed, and that I may be called upon to be a witness in any proceeding which follows such action.

In accordance with FAA's Human Resources Policy Manual, ER-4.1, Standards of Conduct, Paragraph 9 (a), I certify that I understand that I provided complete and truthful information, and the above summary accurately captures my responses to questions during the interview.

By my signature below, I acknowledge that I have read and understood my declaration consisting of 2 pages. I have made all changes and corrections I desire to make and have initialed each change or correction I have made.

12/20/07
(Date)

Signature of Fact Finder: Connie Dowdy

Printed Name of Witness: Anne R. Whiteman

Signature of Witness: Anne R. Whiteman

Attachment 4

U.S. Department of Transportation
Federal Aviation Administration

Quality Assurance Review

DFW Tower/TRACON

QAR No: 4249

1. Date Received:	2. Received By: *(initials)*	3.Complainants Name:	4.Complainants Company:
10/8/2005	HH	D10	FAA

5. Date of Occurrence:	6. Time of Occurrence:	7. Positions Involved:	8. Aircraft Callsigns/Type Aircraft:
10/8/2005	22:11	LCW, DR3, DR2	AAL2461, MD82 & AAL481, MD82

9. Description of Event as Reported:

DR2 [CR] AND DR3 [LA] INFORMED THE AS4 SUPERVISOR THAT THERE MAY HAVE BEEN A LOSS OF SEPARATION BETWEEN AAL2461 [RNAV CEOLA2] AND AAL481 [JPOOL1]. A TELEPHONE CALL WAS PLACED TO THE WEST TOWER SUPERVISOR, ECKENRODE, WHO CHECKED TO VERIFIED VISUAL SEPARATION HAD BEEN APPLIED BETWEEN THE TWO AIRCRAFT. A SHORT TIME LATER THE TOWER SUPERVISOR CALLED AND REPORTED VISUAL SEPARATIO HAD BEEN APPLIED. THIS INFORMATION WAS RELAYED TO THE DR2 AND DR3 CONTROLLERS. THE DR2 CONTROLLER THEN ACCESSED THE FAA 7110.65 VIA THE IDS5 AT THE DR2 POASITION AND REFERENCED PARAGRAPH 7-2-1, A. 3. (e) REGARDING THE ADVISORY - IF THE AIRCRAFT ARE ON CONVERGING COURSES, INFORM THE OTHER AIRCRFT OF THE TRAFFIC AND THAT VISUAL SEPARATION IS BEING APPLIED. IT WAS HIS OPINION THERE WAS A LOSS OF SEPARATION. THE DR2 CONTROLLER WAS ASKED WHAT ACTIONS HE TOOK TO MITIGATE THE THE LOSS OF SEPARATION AND HE REPLIED HE REPORTED IT TO THE AS4 SUPERVISOR. AN EDIT WAS REQUESTED AND A REVIEW OF THE PLOT 32 AND RECORDED VOICE FROM THE LC AND DR2 WAS REVIEWED. THE LOCAL CONTROLLER APLLIED VISUAL SEPARATION BETWEEN AAL2461 [THE LEAD AIRCRAFT] AND AAL481 [FOLLOWING AIRCRAFT] AND ADVISED AAL481 THAT AAL2461 WOULD BE TURNING WEST BOUND. AAL2461 HAD ALREADY BEEN TRANSFERRED TO DR3 FREQUENCY. THE LOCAL CONTROLLER DID NOT INFORM AAL2461 OF TRAFFIC THAT WOULD BE MAINTAINING VISUAL SEPARATION. THE DR2 CONTROLLER PROVIDED NO ADVISORIES OR CONTROL ACTIONS TO MITIGATE THE SITUATION. THE REQUIREMENT TO ISSUE A TRAFFIC ADVISORY TO AAL2461 WAS NOT MET. THIIS SITUATION WAS VIEWED AS A PHRASEOLOGY ISSUE AS IT RELATES TO THE ADVISORY OF TRAFFIC TO AAL2461. HOWEVER, IT WAS DETERMINED VISUAL SEPARATION WAS BEING MAINTAINED BY THE TRAILING AIRCRAFT WHO WAS FULLY AWARE THE AIRCRAFT AHEAD WAS GOING TO TURN WESTBOUND. THEREFORE IT WAS DETERMINED THERE WAS NO LOSS OF SEPARATION. TOWER SUPERVIOR WAS APRAISED OF MY FINDINGS. I WAS INFORMED THE TOWER DOES NOT TYPICALLY PROVIDED THE ADVISORY TO THE PRECEDING AIRCRAFT.

10. Resolved By:	11. Initials:	12. Date Resolved
☐ Supervisor ☑ Quality Assurance ☐ Customer Service	KM	10/12/2005

13. Description of Resolution:

The QA Office reviewed audio of all positions involved and radar data via RAPTOR/Camtasia. Tower controllers have been briefed to use caution when rolling non-RNAV departures behind RNAV departures because, in many cases, the courses converge. This was the case with AAL2461 (CEOLA2) and AAL481 (JPOOL1.SAT). The heading of AAL2461, after passing 1080 msl, was 177 to LARRN. The LW1 assigned heading to AAL481 was 185. Because AAL2461 departed before AAL481, courses initially diverged and then, beginning at LARRN, converged. Regardless, the courses did converge and therefore FAA 7110.65 para 7-2-1a.3.(d)(e) must be applied and was not. LW1 did apply other applicable sections of this rule correctly and AAL481 was maintaining visual separation from AAL2461 so separation was never lost even though the preceding aircraft did not know about the following aircraft maintaining visual. A radar replay will be prepared and forwarded to the LW1 controller/supervisor/operations manager. Additionally, the Tower Training Specialist has been asked to review this situation and brief on the use of visual separation on converging routes. FAA 7110.65 para 2-1-2a. Mandates that controllers ".....give first priority to separating aircraft and issuing safety alerts." Simply because the LW1 controller did not correctly apply all aspects of the visual separation rule does not relieve the DR controller from his/her responsibility to separate aircraft and issue safety alerts. The courses of AAL2461 and AAL481 did not begin to converge until LARRN (approximately 10 south of DFW). Both of these aircraft contacted the appropriate DR controller about one mile south of DFW. In the subsequent nine miles, neither DR controller attempted to separate the two aircraft by another means or issue traffic/safety alerts even though at least one of the DR controllers believed that separation was lost or being lost. The above mentioned radar replay/camtasia will also be forwarded to the DR controllers/supervisors/operations managers for review.

Attachment 5

Date: August 21, 2006

From: Anne R. Whiteman
OS, DFW Tower

To: Daniel A. Gutwein
Acting District Manager, Metroplex Hub

Subject: Response to your letter dated August 14, 2006

Paul Donaldson delivered your letter to me on August 17, 2006. You requested a response by 4 P.M. on August 21, 2006. Since I knew I would be working everyday until that deadline I asked him for some time at work to accomplish what you had requested of me. Not having heard anything from him I am now responding to you on my own time as that is the only way I can meet your deadline.

I think it's time for you and anyone that is directing you to give me some peace. If nothing else, at least understand that I reported what I did at DFW TRACON because I love being an air traffic controller. I hated what a select few were doing to our profession and the possible consequences of their actions. You have stated to me directly that you have no respect for what I did in reporting the events at DFW TRACON and have gone so far as to say that you don't believe most of my allegations. Might I remind you that those allegations were proven! I reported what took place in the TRACON out of fear for my own safety and the safety of the flying public. I had a moral and legal obligation to do so. You should not be holding that over my head. I had no control over the direction of the investigation or over the findings. If you had been in the TRACON to witness things first hand it is my belief you would have been horrified and quite possibly would have joined me in my efforts. I certainly believe that you would not have allowed anyone you care for to have experienced what I did.

You have directed me to report any occurrence that may be an operational error, deviation, or air traffic incident. I know my job responsibilities and abide by them. Why you are reminding me to do so is baffling. How ironic that you would remind me of my job responsibility to report operational errors when I am the one that disclosed that DFW TRACON was covering up operational errors. This brings me to the question, have you sent a letter to each supervisor directing them to do the same? I know others have made the same allegations as I have. My guess is that you have not requested this of every supervisor, in fact I don't think you've asked anyone else for information, supervisor or not. I am tired of being harassed and singled out.

When I wrote my response of April 22, 2006, I was responding to the final deviation report from DFW-T-06-D-001. That was my right and responsibility. In that response I did address the differences in how events are handled and reported at DFW. I did that in defending myself as I was being incorrectly charged with an operational deviation. I did

not write you a letter out of the blue claiming that you or anyone else was not reporting errors or deviations. I gleaned all of my information from documented events. I do not have any secret material or knowledge of events.

You, along with the QA manager (Steve Burks), made an assumption when you charged me with a deviation that I had not heard the pilot read back an incorrect altitude. Each witness to the event provided a statement confirming that I had indeed heard the incorrect read back, but you and Mr. Burks continue to insist that I did not hear it. They were there, neither one of you were. I was actively trying to correct the pilot's mistake and my actions were met with resistance from the controller at DFW TRACON. Because Mr. Burks was angry with me, he convinced you to charge me with a deviation. I was being singled out. This event was picked apart and put under a microscope unlike any event before or since. I was now in a position of having to defend myself, once again. In doing so I reviewed material available to me. I pointed out to Mr. Burks that some deviations and errors had been ignored, and I also pointed out why the deviation I was charged with was a non-event, certainly not a controller deviation. I made comparisons to other similar events. Some documented, some not. I knew my pleadings were falling on deaf ears.

In reviewing QARs you can see for yourself that deviations are largely ignored and in some instances operational errors are ignored. Quite frequently they are passed off as pilot deviations. This is something that is foreign to me as an air traffic controller. In the environment I trained and worked in, controllers were held accountable for their actions. Now it seems that is not the case. You issue control instructions and sit back. If it works fine, if not, blame it on someone else. Do I find that disconcerting? Yes I do, but I do not find it my duty to monitor DFW's operations for ethical conduct and compliance with national orders and procedures. That is someone else's responsibility. I do however want to make it perfectly clear that I understand my responsibilities as they pertain to my job as a supervisor. I report and investigate events the way I was taught and in a manner that will hold up to any scrutiny. I have challenged my supervisor and his supervisor during the course of investigating events that have occurred on my shift, if I believe that an error or deviation has occurred. I have also taken the side of the controller, if I believe that no violation has occurred. The bottom line is I do my job to the best of my ability, without bias.

I would like to reiterate that all of the data I have or have reviewed is readily available to you as a manager. It is data already "investigated" by the appropriate personnel at DFW. I do not have any secret material; I simply reviewed what was available to me at that time. It is not my job to review that data for inconsistencies, but yet in reviewing the data I could not ignore the glaring inconsistencies. I used those to try and show you and Mr. Burks that I was being singled out once again. This time being charged with an operational deviation.

When I wrote my response to you I had access to all QARs. I have now been banned from reviewing that material, which makes the words that were spoken by you, at a supervisors' meeting: "we have nothing to hide" ring rather hollow. In fact, I heard those same words from the manager of the facility and from the quality assurance

manager. If you were serious about wanting my assistance in this area, I would need access to these QARs again and would be more than happy to assist. If you are asking me to review these QARs for specific dates and call signs, I will need access again. Otherwise please allow me to do my job free from harassment, but with the understanding that I will always use any material necessary to defend myself upon being attacked.

In response to your direction, I will state unequivocally that I have no information to report to you that is responsive to your direction. Every incident that I made reference to in letters or conversations are contained in previously reported and investigated data. As I explained earlier, I have been denied access to the D10 QARs where most of the relied upon data is contained. If this is the data that you are requesting, please allow me access, so that I may comply with your direction. It is my belief that you are directing me to do something that is outside the scope of my responsibility. Others, whose responsibility it is, have investigated these incidences and have documented their findings. If you are directing me to expose the shortcomings in their findings, I hope you do so with some concern for my safety and well being as my first experience in that arena was not a pleasant one. I hope I have answered your questions and concerns. If not please let me know. Today is my day off, as is tomorrow. I will be at work in the east tower on Wednesday. The phone number is (972)615-2650.

cc: Congressman Michael C. Burgess
Scott J. Bloch, Special Counsel, OSC
James L. Muhlenkamp, Supervisory Special Agent, DOT, IG

Attachment 6

From: Paul Donaldson/ASW/FAA
To: Karen Morgan/ASW/FAA@FAA, Anne Whiteman/ASW/FAA@FAA, Barbara Hause/ASW/FAA@FAA, James Dunford/ASW/FAA@FAA, Mike R Thompson/ASW/FAA@FAA, Gary Birdwell/ASW/FAA@FAA, Phil Russell/ASW/FAA@FAA

Date: Thursday, May 05, 2005 12:13PM
Subject: Fw: Safety and compliance AUDIT

FYI
----- Forwarded by Paul Donaldson/ASW/FAA on 05/05/05 12:12 PM -----

JoEllen Casilio/ASW/FAA
05/05/05 11:56 AM

Greg Juro/ASW/FAA@FAA, Chuck Hudlow/ASW/FAA@FAA, Stephen L Burks/ASW/FAA@FAA, Chuck ToFrankenfield/ASW/FAA@FAA, Karl Ruckman/ASW/FAA@FAA, Paul Donaldson/ASW/FAA@FAA, John P Jones/ASW/FAA@FAA, Ronald Hathcock/ASW/FAA@FAA
ccDan Gutwein/ASW/FAA@FAA
SubjectSafety and compliance AUDIT

Folks,

I have been advised **"In a memo from AOV-1 to the VP of ATO-Safety dated April 27, 2005, AOV expressed its desire to conduct a Safety Compliance Audit at the Dallas TRACON (D10) from June 6 to 10 and at the Philadelphia Tower/TRACON from July 18 to July 22. They have asked ATO-Safety to make all the necessary arrangements."**

What this means to us:

We will be the subject of the first AOV audit. AOV is a new organization within the FAA but outside of the ATO that has oversight responsibility for the safety of the system. Because we were the subject of concern of the IG last year, AOV wants to ensure that we have not only corrected the problems but that they stay corrected. I don't know how the audit works or what specifically they will do, or how but the goal is to ensure we are in compliance.

That means we need to prove we follow the rules, separation rules, reporting rules, phraseology rules....all the rules. Make sure our house is clear, company is coming. This is not something new, we are pros.

Attachment 6-1

From: Paul Donaldson/ASW/FAA
To: Karen Morgan/ASW/FAA@FAA, Anne Whiteman/ASW/FAA@FAA, Barbara Hause/ASW/FAA@FAA, James Dunford/ASW/FAA@FAA, Mike R Thompson/ASW/FAA@FAA, Gary Birdwell/ASW/FAA@FAA, Phil Russell/ASW/FAA@FAA

Date: Tuesday, April 19, 2005 08:04AM
Subject: Upcoming AOV Audit

Sups,
We want to advise y'all of an upcoming audit that will be conducted by AOV(FAA IG). I am not sure when this will occur but it will probably be later this year. The purpose of their audit is to validated that all operational errors are being reported by our facility(DFW/D10). In order to ensure we are prepared for the AOV audit our QA office will conduct weekly random audits. A 30 minute session from both the east and west tower will be reviewed including audio and AMASS data. If an error is detected it will be charged to the facility. I want y'all to be aware of the QA office efforts to prepare us for this pending audit but I expect this information to remain confidential. As for the AOV audit it will be made public information soon . Thanks Paul

Attachment 1

Anne Whiteman

From: [redacted]
To: [redacted]
Sent: [redacted]
Subject: [redacted]

----- Original Message -----
From: Thomas.A.Turner@faa.gov
To: Bill.Davis@faa.gov
Sent: Tuesday, June 28, 2005 4:36 PM
Subject: D-10 Problems

Hi Bill,

In case the name doesn't ring a bell, we worked together on the JSIT and the CNS Project a couple of years ago, I was the HQ AT rep. I tried to catch you on the phone today but had no luck so I decided to send you an email.

I got a call today from a lady that you spoke with sometime back concerning problems at D-10, Anne Whiteman. Anne was my trainee way back when and we have stayed in touch over the years. I have maintained a good awareness of what has been going on at the Facility while working at HQ since that is what I consider my home AT facility. None of what has been made public in the last few days concerning D-10 surprises me. It has been going on for many years beyond even what Anne reported.

She told me that you called her a few days before the OSC Report on D-10 was released looking for some info. She was and still is unsure who at HQ she can place confidence in during the current "whistleblower" event and came to me seeking guidance since I have been a HQ person for quite some time. During our conversation, your name came up. I told her that you are one on the "good guys" and that she can trust you to be a man of your word.

As you might expect, she is receiving all kinds of flack from personnel at D-10 over this event. Of course all of it is being done so that she is not able to provide any tangible proof of threats or other actions but from knowing her over the years, I can assure you that she will not lie to you if she chooses to tell you about what is actually going on. One fact that I want to be sure that you have picked up on, is that she has not asked for "anything" in return for her reporting these problems except that the FAA "fix them". She is not looking to get anyone fired or to gain monetarily from her actions. I personally respect her for having the nerve to stand up to the very powerful FAA Managers that are still directly over her to report the sad situation that has evolved at D-10.

At this point, my concern is for her personal safety which I feel is at risk. I know a number if not all of the controllers, Supervisors and Managers that are involved in what was reported. It is a very real possibility that they could try to not only discredit her by setting her up for a fall at work, they could very possibly try to physically hurt her as has occurred in the past. I hope that my coming to you as an employee that is very familiar with the situation yet not directly connected to anything that is going on, will make you especially aware of the seriousness of the situation. If there is anything that you can do to help her, I'm sure she will appreciate it and I certainly will.

I am retiring at the end of July and am on leave until then so I certainly do not have a dog in this fight. If there is anything at all that I can do to assist you or to help with the unpleasant situation that everyone involved is having to deal with at D-10, feel free to give me a call. I still consider DFW my home Facility and really hate to see the turmoil that it is in. You can reach me at any time on my cell phone. The number is [redacted]

Thanks for anything that you can do to help,
Thomas A. (Tommy) Turner
ATO-P/SE
[redacted]

From: Dan Gutwein/ASW/FAA
To: Karen Morgan/ASW/FAA@FAA
cc: Karen Morgan/ASW/FAA@FAA, Anne Whiteman/ASW/FAA@FAA, Barbara Hause/ASW/FAA@FAA, James Dunford/ASW/FAA@FAA, Mike R Thompson/ASW/FAA@FAA, Gary Birdwell/ASW/FAA@FAA, Phil Russell/ASW/FAA@FAA, Wayne Eckenrode/ASW/FAA@FAA, Paul Donaldson/ASW/FAA@FAA, Stephen L Burks/ASW/FAA@FAA, JoEllen Casilio/ASW/FAA@FAA

Date: Monday, February 06, 2006 03:55PM
Subject: REVIEW OF PSW-R-D10-05-049

Karen,

This is in reference to the subject PD and the question you raised in the DFW OS meeting last Wednesday. (You mentioned that you had raised it to me at a previous OS meeting. I apologize for having no recollection of that request.) I'm not going to try and go through all of the details of this event. However, if you would like to go through it in detail, please make arrangements with myself or Steve to come over and review it.

SUMMARY: EGF256 was inbound for runway 31R. Training was in progress on DS/DE/AR7 and the trainee was fairly busy. CPCT clears EGF256 for a visual approach and tells him to contact Love Tower (incorrectly), all in the same clearance. EGF does not acknowledge the clearance nor, apparently change frequencies. EGF256 makes no further transmissions until after he breaks off the approach. He breaks off the approach on about a mile final, still level at 030. He makes an approximately 90 degree right turn, begins to climb and after turning advises that he is, "going missed." He is immediately in conflict with a departure off of Love (a Challenger). The CPCT immediately turns him back northbound to keep him clear of the Challenger. He gives him an expedite descent to 020 to miss a DFW departure off of 35L. EGF256 acknowledges the clearance and turns, but does not descend rapidly enough. Separation is lost between EGF256.

A PD was filed against the EGF256 for turning and climbing without a clearance to do so.

Because of the loss of separation, this PD has been closely scrutinized by our QA, the Terminal Area Office in Chicago, as well as HQ. This review identified performance issues on the part of both the Tower and TRACON. DFW/D10 procedures allow radar identified arrival aircraft to enter DFW airspace without verbal coordination. Other than the obvious performance issues of failing to ensure a readback on approach and frequency change clearance, no violation of .65, .56, or DFW procedures were detected. Therefore, it does not meet the criteria of an OD.

Dan

Attachment 1

From: Paul Donaldson/ASW/FAA
To: Doug Boyson/ASW/FAA@FAA
cc: Anne Whiteman/ASW/FAA@FAA, Barbara Hause/ASW/FAA@FAA, Brent Logan/ASW/FAA@FAA, Dean B Krause/ASW/FAA@FAA, Gary Birdwell/ASW/FAA@FAA, James Dunford/ASW/FAA@FAA, Karen Morgan/ASW/FAA@FAA, Mike R Thompson/ASW/FAA@FAA, Wayne Eckenrode/ASW/FAA@FAA

Date: Monday, December 31, 2007 06:49AM
Subject: Re: Pilot deviations

History: This message has been forwarded.

All,
As Doug indicates this new guidance supersedes the old guidance and no latitude is allowed for any sort of pilot deviation. The reason for the change is because of recent conversations between Dan/JoEllen with AOV safety. Paul

Doug Boyson/ASW/FAA

Doug Boyson/ASW/FAA
TCB-D10,
Dallas/Fort Worth
TRACON, TX

12/29/2007 03:56 PM

ToKaren Morgan/ASW/FAA@FAA, James Dunford/ASW/FAA@FAA, Gary Birdwell/ASW/FAA@FAA, Mike R Thompson/ASW/FAA@FAA, Barbara Hause/ASW/FAA@FAA, Wayne Eckenrode/ASW/FAA@FAA, Anne Whiteman/ASW/FAA@FAA, Brent Logan/ASW/FAA@FAA, Dean B Krause/ASW/FAA@FAA
ccPaul Donaldson/ASW/FAA@FAA
SubjectPilot deviations

Hello,

A few weeks ago we had a incident with a King Air on a non-RNAV departure. The pilot failed to fly the correct departure heading but the local controller quickly recognized the situation and effected the appropriate coordination; there was no loss of separation. In the past it was our understanding that this situation could be handled as a "learning experience" for the pilot and that we had latitude as to whether a pilot deviation needed to be filed or not. The QAR and subsequent investigation into this incident resulted in the following guidance: We are required to file pilot deviations on RNAV *and* non-RNAV departure incidents alike.

Doug Boyson
Operations Manager
DFW Tower
[redacted]

Attachment 10

Federal Aviation Administration

Memorandum

Date: April 25, 2008

To: Nancy B. Kort
Director of Terminal Operations, Central Service Area

From: Dawn M. Ingraham, Acting Manager, Metroplex District

Subject: 2006 CTSA Facility of the Year Award

In light of the recent findings by the Office of Inspector General, I feel it is appropriate that the Dallas-Fort Worth TRACON (D10) return the 2006 CTSA Facility of the Year Award. The report from the Inspector General reveals that there were more than sixty (60) operational errors that were not reported during the time period that the award covered. Had the errors been known at the time of the competition, D10 would not have qualified to be considered for the award. My hope is that by returning the award, we can help maintain the integrity of a very important and worthwhile awards program.

we gave back

Come & Get it

TAKE BACK OUR TIME OFF AWARDS, ALSO

OH, WAIT....

Attachment 11

U.S. Department of Transportation
Federal Aviation Administration

Quality Assurance Review

DFW Tower/TRACON

QAR No: 8672

1. Date Received:	2. Received By: (initials)	3. Complainants Name:	4. Complainants Company:
12/25/2007	HH	D10	

5. Date of Occurrence:	6. Time of Occurrence:	7. Positions Involved:	8. Aircraft Callsigns/Type Aircraft:
12/25/2007	15:43	AR3, AR1, LE	AAL1833, MD80, EGF788, E145

9. Description of Event as Reported:

At approximately 1550 UTC, the tower OM called and asked if I was aware of the operation between AAL1833 and EGF788. I advised I was not and quickly reviewed the NOP replay of the event. About this same time the AS3 came to the OM desk and also advised of the need to investigate. A review of the radar data and voice communications revealed the following. AAL1833 was inbound to DFW's runway 17C from a left downwind being worked by AR1 [rz]. AAL1833 was on a track of 292 degrees as the aircraft passed in front of EGF788. AAL1833 continued on this track for about a mile then turned inbound to the final approach course to RY17C. EGF788 was inbound from the northeast and was being worked by AR3 [cc] for a visual approach to RY18R [balancing the airport]. At 1539:59 UTC, EGF788 reported on AR3 frequency descending thru 7,000 for 5,000. AT 1540:03 UTC, AR3 advised EGF788 expect RY18R. At 1540:15 UTC, AR3 instructed – EGF788 amend your altitude, maintain 6,000, traffic 11 o'clock 8 miles north northwest bound 6,200 descending an MD80 that is going to be below you for the east side. At 1540:25 UTC EGF788 replies ok, we'll stop at 6,000, EGF788. At 1541:14 UTC, AR3 descended EGF788 to 5,000. At 1541:17 UTC, EGF788 replied down to five 788. At 1541:29 UTC AR3 advised – EGF788 that MD80 for the east side at 12 o'clock three and a half four miles, 4,000 descending. [That MD80 was AAL1833 on the 292 degree track.] At 1541:33 UTC EGF788 advised – "insight." 1541:34 UTC AR3 instructed – EGF788 maintain visual separation with that traffic, cleared visual approach one eight right. 1541:40 UTC EGF488 replied, "Cleared visual eighteen right." [EGF788 was at 5,900 feet at this time] EGF788 continued on a track of about 237 degrees for about two miles then began a left turn [210 degree track] to intercept the RY18R final at about 5 miles. Additionally, EGF788 continued the descent. At 1543:24 UTC AR3 asked EGF788 if they still had the MD80 in sight. 1543:27 UTC, EGF788 replied ah yes sir. 1543:28 UTC AR3 advised EGF788 – ok, don't descend anymore he's your altitude right behind you. 1543:33 UTC EGF788 replied – ok, we have him now. Meanwhile AAL1833 had been cleared visual approach at 1541:53 UTC and transferred to tower at 1542:32 UTC. [AR1 did not advise AAL1833 about EGF788 as he anticipated EGF788 would pass behind AAL1833.] At 1543:20 UTC, LE [aj] cleared AAL1833 to land runway 17C. AAL1833 acknowledged and asked about the RJ and commented the RJ was closer than we would like. In a subsequent conversation with the tower supervisor [Eckenrode] the pilot of AAL1833 did not indicate he wanted to file any type of report. The captain of EGF788 was asked to call the TRACON. Captain Melvin Wallace [214-497-1195] said he thought the traffic they saw was going to ADS and did not know how they got behind him. Captain Wallace did not say he lost sight of the aircraft, nor was that reflected on the tape. Therefore no PD was filed and visual separation was being maintained. In summary, EGF788 turned inside of AAL1833 and descended while maintaining visual separation. Request a movie be made and sent to Chief Pilot for EGF. Both AAL1833 and EGF788 advised to file an ASAP report. Minor phraseology issues noted.

10. Resolved By:	11. Initials:	12. Date Resolved
☐ Supervisor ☑ Quality Assurance ☐ Customer Service	JH	12/26/2007

13. Description of Resolution:

Reviewed RADAR data and voice. All 'QAR Description' information confirmed correct. EGF788 stated they had AAL1833 in sight. Forwarded to OM for further review. **UPDATE 12/31/07:** Upon further review, Operational Error D10-R-07-E-064 was filed for this event.

CC Attachment 11-1

D10-R-07-E-064

OPERATIONAL ERROR/DEVIATION GUIDE FOR EMPLOYEE INTERVIEW

This statement shall be read by the employee before the Interview !

"The information given by you will become part of the records in the Privacy Act System OPM/GOV'T-1. Providing this information is mandatory in accordance with FAA Human Resource Policy Manual, ER-4.1, Standards of Conduct. The principal use of the information provided is to determine trends, causes and recommend ATC system improvement. Information provided will be disclosed as a routine use in accord with the system description of OPM/GOV'T-1. Under this authority, disclosures made to Union Representatives and the National Transportation Safety Board. Failure to provide the information requested will result in disciplinary action under FAA regulations".

BEFORE STARTING: I have offered the employee representation. CC (initials)

1. Did you require assistance prior to the incident? yes ( ) no (X)
Explain: IN MY OPINION AN ERROR DID NOT OCCUR.

2. Did you request assistance prior to the incident? yes ( ) no (X)
If yes, explain whiter or not you received assistance and if it was the assistance you requested.

3. Were you aware that an error was developing? yes ( ) no (X) If no, go to question 5.
If yes, Explain: WHAT ERROR?

4. Did you contemplate taking corrective action? yes ( ) no (X)
Explain: WHAT ERROR? THERE WERE NO CORRECTIVE ACTION TO TAKE BECAUSE ALL PROCEDURES IN THE 7110.65 WERE FOLLOWED CORRECTLY, AS EVIDENCED BY THE ASSOCIATED QAR.

5. Did you attempt to take corrective action? yes ( ) no (X)
Explain: SEE ANSWER # 4.

6. Identify which of the following alerted you to the occurrence. Conflict Alert ( ) Self—Identified ( ) MSAW ( ) Facility Personnel ( ) Pilot ( ) Other ( )
Explain: SINCE THERE WAS NO ERROR I DO NOT UNDERSTAND THE QUESTION.

7. Were you distracted by anything that influenced the occurrence (i.e.of visitors, speaker volume, other noise)?
yes ( ) no (X)
Explain:

8. Did anything occur in the work environment that detracted from your performance (i.e. training session, discussions, etc.)? yes ( ) no (X)
Explain:

Attachment 11-2

OPERATIONAL ERROR- GUIDE FOR EMPLOYEE INTERVIEW

9. In your opinion, what exactly occurred and why? THE AIRCRAFT WAS CLEARED FOR A VISUAL APPROACH IAW THE PROVISIONS OF THE 7110.65 AND THEREFORE THERE WAS NO LOSS OF SEPARATION.

10. Are there any other relevant facts you feel should be considered?

NOTE: To the best of my knowledge, this statement is true and correct. However, I reserve the right to modify this statement after reviewing the voice, computer and radar data I am conducting this interview under fear of disciplinary action.

1/10/08
Date

Signature

September 19, 2008

The Honorable Scott J. Bloch
Special Counsel
U.S. Office of Special Counsel
1730 M Street, NW, Suite 218
Washington, D.C. 20036-4505

Dear Mr. Bloch:

I have finally resigned myself to the fact that responding to an investigation by providing specific examples of wrongdoing that have otherwise not been disclosed is not worth risking future damage to my career and my health. Providing further examples of wrongdoing would be beneficial if I had a support base consisting of individuals or entities in our federal government who have the power to bring about change. I alone am powerless. Providing further proof of wrongdoing would be beneficial if I saw the FAA was truly committed to addressing and resolving the problems at hand, but so far, they simply are not willing to admit there is a problem. Internally, this disclosure and the findings of the DOT OIG have been reduced by the FAA to the problem being me. I have yet to see my safety concerns truly embraced by the FAA. Publicly they have made the right statements. Privately it has been business as usual.

I cannot emphasize enough that the message is not getting through to all of the individuals responsible for ensuring air traffic safety at DFW Airport. The *proposed* administrative actions made reference to by Secretary Mary Peters are a step in the right direction and if the FAA follows through with these *proposed* actions perhaps it will help the message get through, but the existing culture is not reflective of the FAA's spoken promise. I truly empathize with any one individual trying to change the culture at DFW. As I have found out it is an insurmountable task. This undertaking must be made by FAA senior leadership and not assigned to a couple of individuals on site. Until someone gets the full support of the FAA and safety concerns are addressed by a large contingent of individuals sending the same message, change will not take place at DFW and safety will continue to be compromised. The opposition has many more troops than the few I see trying to effect change. I want to reiterate I absolutely love being an air traffic controller and I will forever be grateful for having been given this opportunity but please listen when I say there continues to be cause for concern. I don't continue to point out the shortcomings of the FAA's efforts because I enjoy doing so. I do so because I continue to see the same culture and behavior compromising air traffic safety. And I only voice these publicly now because for many years I gave the FAA the opportunity to address this privately and they would not and did not listen or act.

I almost feel sorry for the interim leadership put in place because they have no idea what they are up against. Most of the management team here is part of a network that will not be broken. They have operated the same way for years and think their way is the only way. Two or three new bodies are not going to make much of a difference, especially if most of the good ol' boy network is still intact (although I use this term, this particular

network consists of both men and women). Some of the new leadership appears to have a refreshing attitude towards the safety concerns I and others have expressed but they alone cannot change the culture here. In fact I wish I could identify them personally because they are trying, but they too eventually cave in and are sometimes affected by the peer pressure. They need the support of the leadership above them and the prevailing mindset must emphasize safety above all. To ridicule and downplay the findings of the DOT IG (the prevailing mindset here) solves absolutely nothing and serves to reinforce the negative. Although the following example may appear minor it is reflective of the corrupt mindset. This took place during a briefing for DFW Tower Management when we were shown a video entitled: "Spirit of Performance". At the end of the video the assignment was to discuss as a group how to better serve our customers. The interim Assistant Manager asked: "who are our customers"? One supervisor responded: "ATO Safety and AOV". That ended the discussion. This supervisor's inappropriate comment should have been addressed and the true intent of the discussion should have ensued. The bottom line is most of those in attendance do not truly care who their customers are and this comment was reflective of that. We were just going through the motions, as the video was required viewing for training purposes. The video was supposed to generate useful and productive discussion, but for the supervisor that made the comment it was more fun to take this opportunity to make an inappropriate comment and take a jab at those trying to correct the safety lapses at DFW. Surely this was not what the FAA had in mind when they produced this video. The Assistant Manager appeared to be dumbfounded and rather than address this individual's very inappropriate remark the "discussion" ended and we moved on to the next item on the agenda. I don't mean to pick on this particular supervisor and to a certain extent I don't fault him, he is simply a product of his environment (the culture that has existed at DFW for approximately ten years). He can only feel comfortable making this type of comment if this type of comment is condoned or in some way reflective of the true feelings of his superiors. I certainly don't fault the Assistant Manager for not addressing the behavior because it takes a very strong individual to stand up to this corrupt mindset on their own. DFW Tower and TRACON feel as if they are being picked on only because the message is not getting through to everyone properly. Secretary Peters should be able to trust the FAA is committed to effecting change. The FAA's acting administrator should be able to trust DFW has learned its lesson and change is taking place. But I am warning them the change they expect and hope for has not taken place.

The supplemental report repeats the statement made in the initial report that both senior DFW TRACON officials were removed from the facility. This would lead one to believe they were somehow disciplined, as I stated in my response to the initial report, why did the FAA spokesman tell the Dallas Star Telegram in January that two of the top air traffic managers in North Texas are going to oversee nation aviation programs for the FAA? This hardly seems an appropriate consequence to suffer as a result of their malfeasance, negligence or incompetence. If they were removed as a punitive measure why did the FAA spokesman not tell the truth in January? Perhaps even a no comment from the FAA spokesman would have been more appropriate, but the FAA wants it both ways. They want to tell everyone now that these two Managers were removed in January, but when this "removal" actually took place it was more important to remain loyal to members of

their network. If they are now being appropriately reprimanded, why is the FAA not reprimanding them, along with the others bearing responsibility, using the FAA's own table of penalties? That table of penalties addresses their specific inappropriate behavior and calls for removal from the agency, but in proposing administrative action someone has chosen to ignore the FAA's own guidelines. Ms. Peters then goes on to state the FAA has since *proposed* administrative action against all seven TRACON managers who bear responsibility for the *misclassification* of operational errors/deviations. The IG report states they found these *misclassifications* were **intentional**. The IG report states these individuals were **negligent or incompetent**. The IG report states their investigation reflects the TRACON management's willingness to manipulate evidence and **render unreasonable determinations *favorable to controllers but* detrimental to aviation safety**. The IG report states they found each of the misclassified pilot deviations or non-events was **obviously an operational error/deviation**. I say these operational errors were covered up, there is no other conclusion one can draw from the findings of the Inspector General's investigation. DFW management knew the system in place would allow them to intentionally misclassify operational errors/deviations as pilot deviations knowing the matter would simply be dropped. How does the FAA address this negligent and dangerous behavior by choosing to *possibly* pursue administrative action for the responsible parties using the lowest possible infraction as a barometer? **DFW TRACON management knew what they were doing, they were concealing and covering up operational errors.** The IG report states it was intentional, and therefore the only conclusion one could draw is that these errors/deviations were covered up. Not one instance of a cover-up, not two instances, but time and time again they played this same game with aviation safety and the penalty for playing these games for some of them - will perhaps only be retraining! I'm also not certain how you retrain someone that intentionally violated rules. How does one come to the conclusion they intentionally violated the rules without also coming to the conclusion they knew the rules? It is also disconcerting to read the administrative actions are *proposed.* The last DOT IG investigation resulted in promised disciplinary actions by the FAA, most of which never took place.

Until the culture changes, nothing will change about safety at DFW. Every time I hear and/or witness wrongdoing (everything from cavalier behavior towards air traffic safety, to violent threats, to operational error cover-ups, etc.); I also hear the behavior will be addressed. I'm starting to believe they have the wrong address because the message is simply not getting through to the perpetrators. The FAA makes promises it simply does not keep, regardless of the magnitude of the promise. If they say they'll brief everyone on the importance of reporting operational error cover-ups, they will. The briefing will be light-hearted, not sincere, and held at a desirable location so that everyone can enjoy an evening out together and laugh at the content or delivery of the briefing they just heard. I challenge anyone to dispute this claim; I have been in attendance at many FAA briefings that were simply done for show. I am a front-line manager (supervisor) at one of the world's busiest airports (DFW) and I have never received a serious or stern briefing on the importance of reporting events properly. DFW should be at the top of the FAA's list for this type of briefing. The briefings I and other FAA supervisors at DFW have received have consisted of a one sentence warning to report errors properly,

followed smartly by reassurance that no one in attendance has done anything wrong. How do you reassure offenders that they have done nothing wrong but at the same time expect them to change? I received this type of briefing this past week during a supervisors' meeting. The message was delivered and a supervisor then asked if we were doing okay in this area. The answer was the Manager and the Assistant Managers have no concerns with the performance of the supervisors in attendance. Once again the audience consisted of known offenders. So when I say the message is not getting through to those responsible for the existing unacceptable culture at DFW, perhaps it is because no one has the courage or willingness to send the message properly and sternly. The message I hear more often than not is one that is not complimentary of ATO-Safety and one of lack of respect for AOV. This discord and lack of respect for one another does absolutely nothing to enhance safety. The system is broken! Inconsequential, minor incidents are investigated so thoroughly by some, as some of the "fixes" put in place require this investigating. Others however may have something major happen, not investigate, it goes unreported and it barely makes a ripple in the water.

After the most recent DOT IG investigation began a supervisor in the tower came to me one day and asked if I thought he needed to report two operational deviations that had just taken place. I told him he had a responsibility to report them and yes he should do so. His response was: "I think I'll just roll the dice." The culture that exists to this day allowed him to make such a bold statement to me, the whistleblower (a title I loathe). He knew he had management on his side; he rolled the dice and won. Because his misconduct is never appropriately addressed he has gotten bolder and bolder in flaunting the rules. A recent example of this was when he chose to look the other way on a possible runway incursion, rather than report it properly. The incident supposedly was "fully" investigated after it was disclosed anonymously. Although the story was told by many witnesses and described as a runway incursion, when interviewed they went into their shell and could either not recall the incident or now claimed to not have seen it. If the incident was as clean as the investigation revealed I guess I would have to wonder why in the world it had made such a great story for weeks. If it was a non-event why would anyone have even been discussing it? Conveniently, the determination was made that data was no longer available to conclusively prove a runway incursion/operational error had taken place. A lackluster effort was made to look into the matter, but that was mostly done for show. Some data still exists and certainly more of an effort could have been made to determine exactly what took place but, in my opinion, even the AOV, who supposedly investigated, wants to show that DFW has learned their lesson. The AOV doesn't want to find anything else wrong, I'm sure they'd like to think they've made a difference. It was also very convenient that the supervisor responsible for reporting this event is part of the network and therefore no real effort was made by the local management to find out what happened. The investigation was closed as soon as they came up with a plausible excuse for not being able to prove that an operational error had taken place. The controllers involved deserve better. They did not bear the responsibility for reporting this further than their supervisor, but yet they were questioned about what took place and why it wasn't reported properly. That is the responsibility of the supervisor not the controllers. This supervisor recently represented DFW Tower at a safety culture seminar, how sad!

Another example of the message not getting through to everyone also occurred recently. A controller and a pilot were recently engaged in conversation on the frequency as the pilot was trying to warn the controller he was not able to clear the runway properly. There were two aircraft in front of him and he could not move up any further. The pilot went so far as to explain he could not move up any further as he was kissing the rump of the aircraft ahead and there was no room to pull forward. He warned him several times the tail of his aircraft was still on the runway. The controller chose to go back and forth with the pilot on this issue rather than listen to what the pilot was saying and react to it. He did not err on the side of caution by telling the next arrival to go around; instead he chose to allow that arrival to land on this already occupied runway. Every air traffic controller at DFW knows you cannot do this! This is otherwise known as a runway incursion. Runway incursions are at the top of the FAA's safety concerns list. The FAA is in the process of spending billions of dollars on preventing runway incursions. This appeared to be of little concern in this instance; because the ensuing actions were reflective of the mindset here. There appeared to be very little concern when this incident came to light through an anonymous report. The FAA and AOV conducted a full investigation and the controller was retroactively charged with an operational error and simply retrained. I wasn't there and do not know if the supervisor knew about the incident, but I do know it was not investigated nor reported at the time it occurred. Everyone present talked about it, and was horrified at what they had witnessed but once again but when it came time to interview witnesses their story now had changed. The "investigators" could not determine who was responsible for not reporting this error so they simply dropped the matter. The incident was processed as you would process a normal runway incursion, as if it had never gone unreported. The controller was charged with an operational error, but the message sent to everyone was that it is worth the gamble to not report an error as the worst that can happen is you will get charged with the error just as you would have been had you reported it properly. If the FAA was truly committed to changing the culture to enhance safety a completely different message would have been sent. Perhaps someone should have been held accountable! Instead some members of management worked very hard to justify the actions of those involved in this cover-up. I know they don't want anything to happen on their watch. Some of them are new to the facility and supposedly committed to change, but this was a golden opportunity to swiftly reprimand those responsible. Instead they and those that were brought in to investigate the matter chose to ignore the fact it had originally been covered up. I know I am repeating myself but the culture here is what allowed this incident to take place. The Manager of the facility did not order anyone to cover-up this incident, but someone did and the Manager and those that were advising her had the ensuing responsibility to reprimand those responsible for not reporting this operational error properly. I believe her decision was greatly influenced by a couple of members of the network I have previously referred to. They are still here and they are in the majority. They will influence even the best of them!

Employees still have the discretion of reporting or not reporting an event, otherwise the above incident could not have been covered up. The AOV's audit can only be as accurate as the data available to them for review. They are not here every day to witness

the wrongdoing. Their report will not consist of operational errors covered up, because quite simply they are covered up, the data will no longer be available. Their report to the Acting Administrator will be a glowing report and in turn his report to the Secretary will be likewise. I doubt their report will consist of events such as the one cited above, because it is now in the system as an operational error, the fact it was not reported/covered up is not reflected anywhere. This incident was reported anonymously several weeks after it took place. It was not reported in accordance with existing guidelines and requirements and whether it is referred to as a cover-up, a misclassification or a non-report, the bottom line is no one bothered to report a critical runway incursion when it took place. Am I the only one that wonders why? Am I the only one that is disturbed by this? Am I the only one that believes everyone involved should be held accountable? I think some members of management wonder how this could have happened, but they are just as happy if everyone goes away and the matter is simply dropped. Management appears to be more concerned about who reported this rather than why it wasn't reported when it happened. I was "interviewed" by management. They called me into a meeting under a different pretense and proceeded to grill me about the anonymously reported runway incursion. I asked if every supervisor had been called in, knowing the answer full well before asking. The answer was no. My previous disclosures have all been in reference to DFW TRACON, but that does not mean I will turn a blind eye to what is taking place elsewhere. I do not want DFW Tower to head down the same road DFW TRACON took. The DFW Tower controllers are for the most part very conscientious and safety is a main ingredient of their operation. My concern for safety is directly attributable to a mindset that exists in the FAA as a whole, a mindset that I witness daily that is compromising safety at DFW. By answering the questions being asked of me I again became the enemy because I answered honestly. I stated I could not believe this incident had taken place and had not been reported properly. It is very hard to stand up to this alone, but I am able to continue by having the belief that I may be in the minority (because I know there are others) within the FAA, but certainly there must be others outside the FAA who support my same views and concerns about safety.

As disclosed in my initial response on Christmas Day 2007 two aircraft came dangerously close to colliding just north of DFW airport. The DFW TRACON controller had had an operational error. Neither pilot knew about one another's aircraft and at the last second one descended to avoid colliding with the other. The management responsible for reporting this incident chose not to, instead they covered it up. As so aptly put by the supervisor in the tower, they rolled the dice. In this instance the pilot filed a report and the incident did eventually get processed as an operational error, but it wasn't reported properly at the time by those responsible for doing so. The responsible parties have not and will not change their behavior. Wouldn't you think at least one high level official would visit DFW after receiving the DOT OIG report? Each and every employee needs to be reminded of their responsibilities and the consequences of not following the rules in place. This reminder needs to come in the form of a message that they take seriously. Not a message sent by someone who has participated in this illegal, unacceptable, unethical and irresponsible behavior themselves. Since the solution is so

simple, the only conclusion I can draw is the FAA doesn't believe there is a problem or they simply *do not care*.

The DOT OIG recommended the removal of the Quality Assurance function at all Air Traffic Control facilities from the supervision of the facility. Locally, the Quality Assurance Manager is still under the supervision of the Facility Manager. The operational error investigation and reporting process remains basically unchanged. ATO Safety has a presence in the facility and for a brief period of time every event was to be reported to that individual, who in turn would make a determination as to whether it was a reportable event. The supervision has been granted the right to make these calls again themselves. Those that are inclined to do so will always choose not to report events properly. They will do so knowing that the odds of someone discovering the incident, without it being reported properly, are slim. AOV/ATO Safety is powerless to find all wrongdoing at DFW. They may stumble across something during an audit but the system is designed with honesty being its backbone. Random audits are useful, an ATO-Safety presence is useful but unless the perpetrators change their behavior no one will be the wiser when they cover up an operational error. If safety issues are disclosed anonymously or otherwise, rather than the management being appalled that someone did not report an operational error or deviation, they work feverishly to justify why the event was not reported when it occurred. Occasionally they will find minor fault with a supervisor's response or lack of response to a safety concern to be less than desirable, but so far no swift and effective punishment has ever been doled out for someone ignoring rules and regulations already in place. Namely, those that are in place to ensure safety, not rules and regulations that are advisory in nature, not rules and regulations that are optional, but rules and regulations that supposedly carry a very stiff penalty if not followed. ATO Safety nationally has rendered some decisions that are at the very least questionable. They render these decisions because they do not have the proper experience or background. They are forced to make decisions or interpretations on Terminal incidents having never worked in a Tower or TRACON. Once again, the FAA has got to care enough to make an effort to find the right personnel for the position if they expect progress to be made. They have rendered decisions that change everything about how an air traffic controller does business and then weeks upon weeks later the decision is reversed and it is back to the way it was. If they render a decision that is found to be incorrect, it should be addressed and corrected immediately. The delay in correcting these mistakes leaves some controllers and management ridiculing them. I saw an NFL referee this past Sunday make a wrong call and upon reviewing it he could have dug his heels in; instead he told everyone he was wrong. His knew his mistake might affect the outcome of the game as the result of his wrong call could not be rectified, but he was brave enough to admit his mistake. How can they do it in the NFL and we can't do it in the FAA? The "game" we play has very little room for poor decisions or mistakes, but sometimes we make them. As a team we need to report our mistakes, admit our mistakes and work together to fix them. When a poor decision is rendered by ATO Safety it leaves them not being respected by management or controllers, because they refuse to back down. If they make a mistake the local management should not ridicule them, they should be working together to produce a viable solution.

Unless Senior FAA Management takes this problem seriously, I would recommend highly against anyone risking their career by disclosing wrongdoing in the FAA. The FAA does not and will not take these disclosures seriously. I am not blind to the steps that have been taken and I am encouraged by some of what I see, but a serious problem continues to exist and I cannot allow others to be under the false impression everything is fine. I work as an FAA supervisor, I am exposed to these issues daily, I am ostracized because I speak out, I am treated with respect by a few, with indifference by most and am hated by others but I speak out because I am concerned. If something horrible goes wrong, I will never say: "I told you so". That is not my style, I have continued to try and make anyone and everyone that would listen aware that a serious problem existed and continues to exist. I will continue to participate in any efforts to address and attempt to fix what is wrong and I will do so the whole time praying that someone other than the FAA is looking out for passenger safety. I had hoped to end my career in a few years walking out proud that the FAA righted the ship. I absolutely love this job and there are many good people in the FAA that deserve better than what the FAA has done in this and in other instances. Most air traffic controllers work very hard to do the best job possible. They perform their duties under adverse and difficult conditions. FAA senior leadership owes it to them to not let a few controllers and managers in the FAA give the business a bad name. How rewarding for everyone it would have been to see the FAA step up to the plate, instead they promise a home run all the while striking out again. Perhaps public intervention would help. Perhaps Congress could help. Perhaps this could be a battle I could support but with someone else leading the way. Maybe then the FAA would not simply dismiss this as just being another complaint from Anne Whiteman. I would have liked to have been part of the follow-up process on this disclosure, but no one in the FAA or DOT has followed up with me. I have some questions for them. I also have some answers for them that perhaps they do not want to hear. Ten years ago I first disclosed wrongdoing, ten years is a long time to roll the dice. Even the FAA will eventually run out of luck and I will be saddened beyond belief that I could not get anyone in the Federal Aviation Administration to listen and act! I was taught never point out a problem unless you are willing to help with a solution; I am willing to help with a solution.

Sincerely,

Anne R. Whiteman

Anne R. Whiteman